Gregory C. Nuti (Bar No. 151754) Schnader Harrison Segal & Lewis LLP One Montgomery Street, Suite 2200 San Francisco, CA 94104-5501 Telephone: 415-364-6700 Facsimile: 415-364-6785 Arlene P. Messinger Assistant General Counsel for SBIC Enforcement U.S. Small Business Administration 409 3rd Street, S.W., Seventh Floor Washington, D.C. 20416 Telephone (202) 205-6857 Facsimile (202) 481-0325 Attorneys for Plaintiff, United States Small Business Administration in its capacity as Receiver for Alto Tech II, L.P. UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION United States Small Business Administration in Case No. C07 4530 SC its capacity as Receiver for Alto Tech II, L.P., REQUEST FOR ENTRY OF DEFAULT Plaintiff, (ALTO TECH VENTURES, LLC) VS. Alto Tech Ventures, LLC, a Delaware limited liability company; Alto Tech Management, LLC, a California limited liability company; Gloria Chen Wahl, an individual; Walter T.G. Lee, an individual and Thanos Triant, an individual, 20 Defendants. 21 Plaintiff the United States Small Business Administration in its capacity as Receiver 22 ("Receiver") for Alto Tech II, L.P. ("Alto Tech") hereby requests that the Clerk of the United 23 States District Court for the Northern District of California enter the default of Defendant Alto 24 Tech Ventures, LLC ("Alto Tech Ventures") in the above captioned proceeding pursuant to Rule 55 of the Federal Rules of Civil Procedure. In support hereof, the Receiver states as follows: 26 The Receiver commenced the instant proceeding by filing its Complaint for: (1) Breach 27 of Fiduciary Duty; (2) Negligence; (3) Breach of Partnership Agreement; and (4) Breach of 28

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Summons pursuant to Federal Rule of Civil Procedure 4 ("Rule 4 Waiver"). A copy of the Rule Waiver was filed with this Court on October 16, 2007 along with a Certificate of Service Re Waiver of Service of Summons Pursuant to Rule 4 of Federal Rule of Civil Procedure. A true

Management Agreement on August 31, 2007 ("Complaint").

and correct copy of the Certificate of Service Re Waiver of Service of Summons Pursuant to Rule 4 of Federal Rule of Civil Procedure is attached to the Declaration of Gregory C. Nuti In

On October 15, 2007, defendant Alto Tech Ventures, LLC executed a Waiver of

Support of Entry of Default as Exhibit A.

Pursuant to the Rule 4 Waiver, Alto Tech Ventures was to file a responsive pleading on or before November 6, 2007. Alto Tech Ventures has not filed an answer, a motion, or other pleading in response to the Complaint. Nor has Alto Tech Ventures requested or been granted an extension of time to file an answer or other responsive pleading in this matter.

WHEREFORE, the Receiver respectfully requests that default be entered against Defendant Alto Tech Ventures, LLC.

Dated: November 27, 2007 16

SCHNADER HARRISON SEGAL & LEWIS LLP

By: /s/ Gregory C. Nuti

Gregory C. Nuti Attorney for Plaintiff, the United States Small Business Administration in its capacity as Receiver for Alto Tech II, L.P.

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